

Item No. 2C

# TOWN OF LAUDERDALE-BY-THE-SEA

## ROUNDTABLE ITEM REQUEST FORM

**Town Commission**

Department Submitting Request

Vice Mayor Stuart Dodd and Mayor Minnet  
Mayor/Commissioner Name

Roundtable Meeting Dates	Last date to turn in to Town Clerk's Office	Roundtable Meeting Dates	Last date to turn in to Town Clerk's Office	Roundtable Meeting Dates	Last date to turn in to Town Clerk's Office
<input type="checkbox"/> April 16 <sup>th</sup> 2010	April 14 <sup>th</sup>	<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)
<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)
<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)
<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)	<input type="checkbox"/> ***** 2010	***** (**** p.m.)

**ITEM DESCRIPTION:**

\_\_\_ Mitigation of liens – Final decision and authority to rest with the commission. (Vice Mayor Dodd)

See attached regarding Pompano Beach's procedures (Mayor Minnet)  
Discussion on code enforcement liens -

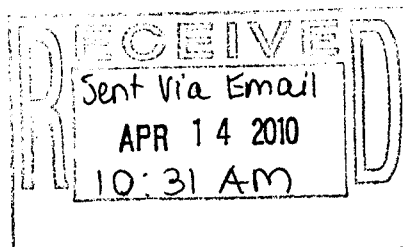
**SPECIAL NOTES:**

\_\_\_ I asked the magistrate whether there should be the ability for the town commission to have the ultimate authority to be able to mitigate liens in the event the lien becomes disproportionate to the value of the property. Many other municipalities have this ability

This item was deferred at the April 16, 2010 Roundtable meeting.

\_\_\_ Code change required if commission give the approval to go ahead

Town Attorney review required

☐ Yes ☐ No

Town Manager's Initials: \_\_\_\_\_

TO: LBTS TOWN MAYOR AND COMMISSIONERS

FROM: HENRY OVERTON RESIDENT

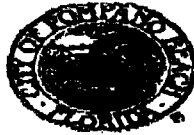
SUBJECT: CODE ENFORCEMENT LIENS

I NOTICED IN THE NEXT TOWN MEETING THE ISSUE OF CODE  
ENFORCEMENT LIENS WAS ON THE AGENDA.

ATTACHED IS A THREE PAGE PLAN FROM THE CITY OF POMPANO BEACH  
ON HOW THEY ARE DEALING WITH CODE ENFORCEMENT.

THEIR AMNESTY PROGRAM ALLOWS A PAYMENT PLAN TO SOLVE CODE  
ENFORCEMENT LIENS OF 25% OR \$500.00 WHICH EVER IS SMALLER. I  
THINK A 50% OR \$1000.00 WHICH EVER IS SMALLER WOULD BE A  
WELCOME RELIEF FOR RESIDENCE OF LBTS.

THANK YOU FOR YOUR CONSIDERATION.



## City of Pompano Beach

### CODE ENFORCEMENT LIEN AMNESTY PROGRAM

#### FACT SHEET

Take advantage of this [REDACTED] to settle your Code Enforcement Lien at a significant discount!!

- The City of Pompano Beach (the "City") recently adopted a Code Enforcement Lien Amnesty Program (the "Program") which will be in effect from February 18 - August 18, 2010.
- Owners of complied properties that have been Honed by the City as a result of Code Enforcement violations may settle their debt on each Code Enforcement case subject to Program guidelines which include, but are not limited to, their property being inspected by the City and found to be in compliance, the City's receipt of a completed *Code Enforcement Lien Amnesty Program Participation Agreement* by August 18, 2010, and timely paying [REDACTED].
- Owners of properties with ongoing Code Enforcement violations are eligible to participate in the Program subject to its guidelines, which include, but are not limited to, their property being found in compliance by the City and a completed *Code Enforcement Lien Amnesty Program Participation Agreement* being received by the City's Special Magistrate Office by August 18, 2010.
- Property owners will also be provided an option to settle the reduced amount under the Program via a payment plan with a maximum [REDACTED].
- All payments under the Program are due in full within 180 days from the date the Special Magistrate enters the order to accept the reduced settlement amount. Failure to make payments within this timeframe will result in the reinstatement of the initial accrued code lien amount, reduced by any payments made under the Program.
- Only liens resulting from code violations are eligible under the Program. Liens arising from unsafe structure or nuisance abatement action or any other City regulatory program are **NOT ELIGIBLE** due to the City's out of pocket expenditures in these instances and must be paid in full.
- Property owners who have additional City liens (Nuisance Abatement and Unsafe Structure liens) or outstanding administrative costs charged against their property must pay these additional encumbrances in full prior to receiving a reduction of any outstanding Code Enforcement lien under the Program. Property owners with multiple Code Enforcement liens must apply for a reduction of each lien simultaneously under the Program.
- Subsequent to August 18, 2010, all remaining and future Code Enforcement liens recorded for 90 days or more in the Public Records of Broward County will be forwarded for formal collection action (E.g. foreclosure, wage or bank account garnishment, etc.) which could obligate you for additional costs, including, but not limited to attorney's fees and recording, collection and court costs.
- Accepted methods of payment under the Program are personal check, cashier's check, money order and/or cash.
- The Program is being administered by the City's Special Magistrate Office. Hours of availability are 8:00 a.m. to 5:00 p.m. daily, excluding weekends and legal holidays. You can schedule an appointment to discuss specific information or amounts owed by contacting the Special Magistrate's Office as noted below.

#### **NEED MORE INFORMATION, PROGRAM FORMS, OR WANT TO DETERMINE IF YOU HAVE AN OPEN CODE ENFORCEMENT LIEN ON YOUR PROPERTY?**

Visit us on the web at <http://www.pompanobeach.org/directory/index.htm#code> or contact the Special Magistrate Office as indicated below.

Special Magistrate Office  
100 West Atlantic Boulevard, Room 420  
Pompano Beach, FL 33060  
954-786-4509 or 954-786-4086 phone  
954-786-5530 fax

**CITY OF POMPAÑO BEACH****CODE ENFORCEMENT LIEN AMNESTY PROGRAM****PARTICIPATION AGREEMENT**

Code Enforcement Case No.: \_\_\_\_\_ Folio No.: \_\_\_\_\_

Address of Property: \_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ (print name) am the legal owner of the above referenced property ("Property"), or I have legal authorization to act on behalf of the Property owner and participate in this Code Enforcement Lien Amnesty Program ("Program") in an effort to resolve the code enforcement case cited above with said written authorization attached hereto.

I recognize and fully understand that a code enforcement lien from code enforcement fines exists on the Property and wish to pay a reduced amount of 25% of the face value of the lien or \$500.00, whichever is less, as authorized by Resolution of the City of Pompano Beach ("City"). I also understand that in order to participate in this Program and be eligible for the aforesaid amnesty reduction, (i) all violations in the subject case must be complied; (ii) there cannot be any other active code enforcement cases with ongoing violations pending on the Property; (iii) there cannot be any order of the City's Special Magistrate in effect on the case that reduces the subject lien and conflicts with the Program's terms; (iv) all nuisance abatement and unsafe structure liens on the Property must first be paid in full in order to qualify for a reduction of this code enforcement lien; and (v) all monies due under the Program must be paid in full and received by the City's Special Magistrate Clerk within 180 days of the date entered on the Special Magistrate Order reducing the code lien or the original amount of the lien, minus any amounts paid, will be reinstated and remain on the Property. All of the foregoing participation requirements must be met prior to the Program's end date of August 18, 2010.

In addition, I understand and agree this Agreement is not assignable as it is intended only for the parties indicated herein and that any payments or sums due the City under the Program must be received by the City no later than the close of business on the date due. I also recognize this Program only addresses code enforcement liens and not any other City liens that may be levied against the Property including, but not limited to, utility, unsafe structure, and nuisance abatement liens. Code enforcement liens that are the subject of foreclosure litigation commenced by the City are not eligible for the Program.

Finally, I understand and agree the City's authorization of this Participation Agreement acknowledges only that the Property has been placed into compliance and the Program's requirements have been met. The City's authorization does not bar or prevent any future enforcement by the City for new or repeat violations that may exist on the Property.

Code Enforcement Case No. \_\_\_\_\_

Name (Property Owner or Authorized Representative) \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

This Participation Agreement can be forwarded by fax as indicated below; however, an original Agreement executed by the Property Owner must be provided to the Special Magistrate Clerk prior to receiving a reduction of any outstanding Code Enforcement lien under the Program.

Special Magistrate Office  
100 West Atlantic Boulevard, Room 420  
Pompano Beach, FL 33060  
(954) 786-4509 or (954) 786-4086 phone  
(954) 786-5530 fax

Do not write below this line - For City use only.

**CITY'S AUTHORIZATION**

I have examined the City's code enforcement records which confirm that all violations cited on the Property in the above referenced case have been placed in compliance and that no ongoing code enforcement violations currently exist on the Property. In addition, there are no other orders issued by the City's Special Magistrate that either reduce the original lien amount in this case or otherwise conflict with the Program's requirements. The total amount owed the City as a result of the subject Code Enforcement case and resulting lien on the Property is currently \$ \_\_\_\_\_

This case meets all Program requirements and qualifies for an Order by the City's Special Magistrate of Code Enforcement to reduce the resulting lien to \$ \_\_\_\_\_, said lien to be paid in full within 180 days after issuance of such Special Magistrate order.

Special Magistrate Clerk \_\_\_\_\_

Date \_\_\_\_\_




Item No. 12C

# TOWN OF LAUDERDALE-BY-THE-SEA

## AGENDA ITEM REQUEST FORM

### Development Services

Department Submitting Request

  
Dept Head's Signature

Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office
<input type="checkbox"/> April 28, 2009	April 17 (5:00 p.m.)	<input type="checkbox"/> June 23, 2009	June 12 (5:00 p.m.)	<input type="checkbox"/> Sept 8, 2009	Aug 28 (5:00 p.m.)
<input type="checkbox"/> May 12, 2009	May 1 (5:00 p.m.)	<input type="checkbox"/> July 14, 2009	July 3 (5:00 p.m.)	<input type="checkbox"/> Sept 22, 2009	Sept 11 (5:00 p.m.)
<input checked="" type="checkbox"/> May 26, 2009	May 15 (5:00 p.m.)	<input type="checkbox"/> July 28, 2009	July 17 (5:00 p.m.)	<input type="checkbox"/> Oct 13, 2009	Oct 2 (5:00 p.m.)
<input type="checkbox"/> June 9, 2009	May 29 (5:00 p.m.)	<input type="checkbox"/> August 2009	Commission Recess	<input type="checkbox"/> Oct 27, 2009	Oct 16 (5:00 p.m.)

### NATURE OF AGENDA ITEM

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Presentation              | <input type="checkbox"/> Resolution     | <input type="checkbox"/> New Business      |
| <input type="checkbox"/> Report                    | <input type="checkbox"/> Ordinance      | <input type="checkbox"/> Manager's Report  |
| <input checked="" type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids                      | <input type="checkbox"/> Old Business   | <input type="checkbox"/> Other             |

**EXPLANATION:** Draft policy on mitigation of code compliance fines and recorded liens, as directed by the Town Commission. Mitigation of fines adjudicated by the Special Magistrate can be mitigated by the Magistrate if not recorded with Broward County (Exhibit A) and if recorded may be mitigated by the Town Commission (Exhibit B).

**STAFF RECOMMENDATION:** See attached memo dated May 14, 2009.

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Town Attorney review required

☐ Yes ☒ No

Town Manager's Initials: Ar

Vice Mayor McIntee made a motion to approve. Commissioner Clotey seconded the motion.

Commissioner Clotey pointed out that the Bel Air Community was harmed because equipment that was placed there made the entrance look like a construction site. The motion carried 4 - 1. Mayor Minnet voted no.



- c. Draft policy on mitigation of code compliance fines and recorded liens as directed by the Town Commission. Mitigation of fines adjudicated by the Special Magistrate can be mitigated by the Magistrate if not recorded with Broward County (Exhibit A) and if recorded may be mitigated by the Town Commission (Exhibit B) (Assistant Town Manager Olinzock)

Commissioner Dodd asked whether Town staff spoke with the Magistrate and whether these were the recommendations of the Magistrate. Assistant Town Manager Olinzock said it was a combination of his recommendation along with recommendations of staff and the Town Manager. He added that staff did not recommend it; they believed it was a workable way of approaching it.

Vice Mayor McIntee made a motion to approve. Commissioner Dodd seconded the motion.

Assistant Town Manager Olinzock explained further that staff did not recommend this as rules were broken, the property owners were in violation and penalties were issued.

Commissioner Dodd felt that since the Magistrate recommended it, it should be supported.


Vice Mayor McIntee withdrew his motion.

- d. Commission approval of the proposed location of the median cut on El Mar Drive by Minto as approved on March 19, 2009 by the Commission and John Carter (Minto) (Assistant Town Manager Olinzock)
- e. Commission approval of issuance of fifty (50) parking permits for Broward County Coastal Cleanup, Saturday, September 19, 2009, 8:00 AM till 2:00 PM, Bougainvilla Parking Lot (Assistant Town Manager Olinzock)
- f. Commission approval of special event permit application for Athena By The Seas "Wine and Food Festival" event, Saturday, July 4, 2009, 8:00 AM till Sunday, July 5, 2009, 11:00 PM (Assistant Town Manager Olinzock)

Louis Marchelos said he had done everything necessary. He added he did not do the event on the 4th of July last year.

Town of Lauderdale-By-The-Sea  
Administration

**MEMORANDUM**

**Date:** 14 May 2009  
**To:** Esther Colon, Town Manager  
**From:** John Olinzock, Assistant Town Manager   
**Re:** Draft Lien Mitigation Policy

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Attached please find draft policy on mitigation of code compliance fines and recorded liens, as reviewed by Town staff and Town Attorney.

Administration does not recommend adopting any mitigation policy. If the Town Commission should approve a policy, it should be date forward from the date of approval by the Town Commission. Any liens paid prior to the date of approval would not be eligible for mitigation.



## **Exhibit A**

**Town of Lauderdale-By-The-Sea**  
**4501 Ocean Drive**  
**Lauderdale-By-The-Sea, FL 33308**  
**Tel: (954) 776-0576**  
**Fax: (954) 776-1857**

**APPLICATION REQUEST FOR RELIEF OF FINES NOT RECORDED WITH BROWARD COUNTY**

The Code Compliance Special Magistrate is authorized by the Town Commission to provide relief from fines established by the Code Compliance Special Magistrate and not recorded with Broward County.

- \* No application will be accepted or processed unless  
all violations on the property have been placed in  
compliance by Code Enforcement

CASE # \_\_\_\_\_

TOWN OF LAUDERDALE-BY-THE-SEA vs. \_\_\_\_\_  
(Name of Respondent(s) as listed)

NAME OF APPLICANT: (Print): \_\_\_\_\_  
(Person to attend Hearing)

ADDRESS OF APPLICANT: \_\_\_\_\_  
(Full mailing address)

PHONE NUMBER: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_  
(Where violation(s) existed)

NATURE OF VIOLATION: \_\_\_\_\_

THIS PROPERTY CURRENTLY IS ☐ IS NOT ☐ (check one) INVOLVED IN LITIGATION

**The following information (If applicable) must be provided with the application:**

1. A copy of the Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
2. A copy of the Foreclosure Order, with the date, book and page shown;
3. A copy of the Certification of Lien Order, with the recording date, book and page shown;
4. A copy of Final Order;
5. A copy of the new Certificate of Title, with the recording date, book and page shown;
6. A copy of the Town's Order of Imposition of Fine;
7. A copy of the Claim of Lien with the recording date, book and page shown.

WHY RELIEF SHOULD BE GRANTED (This section must be completed): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach additional pages if needed along with any supporting documentation)

NAME OF ATTORNEY: \_\_\_\_\_

**IF APPLICABLE: Information to be completed by attending Attorney ONLY**

ADDRESS OF ATTORNEY: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

I CERTIFY THAT I am the current owner of the subject property or an Attorney for said owner or, that I am the legal representative for the property or otherwise authorized to act on behalf of the property owner in this matter.

Signature of Applicant/Attorney

Date \_\_\_\_\_

**(NOTE: Proof of such lawful authority or written authorization from the property owner must be provided by the applicant prior to this matter proceeding to hearing before the Special Magistrate.)**

## **Procedures**

**An application for Relief - The Code Compliance Special Magistrate is authorized by the Town Commission to provide relief from fines established by a Code Compliance Special Magistrate and not recorded with Broward County.**

1. **Application** – A signed Application for relief from any Order Imposing a Fine by a Special Magistrate may be filed with the Clerk for the Special Master. In order for the Clerk to process an Application for relief, all the violations in the original case must be in compliance and the application must include:
  - A. Name and address of applicant. If represented by an attorney, the name and address of the attorney must also be given; and the attorney must either file a Notice of Appearance, or must sign the application.
  - B. Address or brief legal description, or both, of the property on which the violation occurred.
  - C. Sufficient information (which should include nature of violation, date or approximate date on which violation occurred, date or approximate date on which finding of violation was made or on which penalty was imposed, and file number) for the Clerk to identify the file. A copy of the order should be attached.
  - D. A brief explanation of the relief sought, along with any supporting documentation and evidence.
2. **Initial consideration** – No application shall be accepted or processed unless the Code violations on the subject property have been brought into compliance. The Special Magistrate shall not grant relief to any Respondent whose property is the subject of any pending foreclosure proceedings filed by the Town Attorney's Office without the expressed written consent of the Town Attorney's Office. The Clerk shall provide a copy of the application to the Town Attorney for review.
3. **Hearing** – The application will be set for the next available hearing date after the application is reviewed and processed. If all compliance requirements have been met, the Clerk may set a hearing, at which time the Special Magistrate may consider the application. The Clerk shall provide notice per Florida State Statutes 162.12 to the attorney or representative for the applicant or the applicant if there is no attorney to the scheduled hearing.
4. **Determination** – The Special Magistrate shall enter an Order denying or granting the requested relief, or such relief as the Special Magistrate may deem proper, and may direct such action as may be appropriate to effect the ordered relief. The Special Magistrate shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to:
  - A. The nature and gravity of the violation;
  - B. Any actions taken by the Respondent to correct the violation;

- C. The length of time between the previously ordered compliance date and the date the violation was brought into compliance.
  - D. The length of time between the previously ordered compliance date and the date the violation was brought into compliance;
  - E. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation;
  - F. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the Town.
5. Any relief granted shall be contingent upon payment of any outstanding amounts within a specified time period. Failure to provide valid payment to the Town within the specified time period shall cause the original penalty(s) to reinstate.
  6. If relief is denied based upon the merits of the claim, such denial shall be with prejudice to rehear the matter.
  7. **Appeal** – Relief under this section is strictly discretionary by the Special Magistrate, and the Special Magistrates disposition of an Application for Relief might not be subject to appeal.
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## **Exhibit B**

**Town of Lauderdale-By-The-Sea**  
**4501 Ocean Drive**  
**Lauderdale-By-The-Sea, FL 33308**  
**Tel: (954) 776-0576**  
**Fax: (954) 776-1857**

APPLICATION REQUEST FOR RELIEF OF RECORDED LIEN/LIENS WITH BROWARD  
COUNTY

The Town Commission is authorized to provide relief from liens established by the Code Compliance Special Magistrate and that have been recorded with Broward County.

- \* No application will be accepted or processed unless  
all violations on the property have been placed in  
compliance by Code Enforcement

CASE # \_\_\_\_\_

TOWN OF LAUDERDALE-BY-THE-SEA vs. \_\_\_\_\_  
(Name of Respondent(s) as listed)

NAME OF APPLICANT: (Print): \_\_\_\_\_  
(Person to attend Hearing)

ADDRESS OF APPLICANT: \_\_\_\_\_  
(Full mailing address)

PHONE NUMBER: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_  
(Where violation(s) existed)

NATURE OF VIOLATION: \_\_\_\_\_

THIS PROPERTY CURRENTLY IS ☐ IS NOT ☐ (check one) INVOLVED IN LITIGATION

**The following information (If applicable) must be provided with the application:**

1. A copy of the Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
2. A copy of the Foreclosure Order, with the date, book and page shown;
3. A copy of the Certification of Lien Order, with the recording date, book and page shown;
4. A copy of Final Order;
5. A copy of the new Certificate of Title, with the recording date, book and page shown;
6. A copy of the Town's Order of Imposition of Fine;
7. A copy of the Claim of Lien with the recording date, book and page shown.

WHY RELIEF SHOULD BE GRANTED (This section must be completed): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional pages if needed along with any supporting documentation)

NAME OF ATTORNEY: \_\_\_\_\_  
IF APPLICABLE: Information to be completed by attending Attorney ONLY

ADDRESS OF ATTORNEY: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

I CERTIFY THAT I am the current owner of the subject property or an Attorney for said owner or, that I am the legal representative for the property or otherwise authorized to act on behalf of the property owner in this matter.

\_\_\_\_\_  
Signature of Applicant/Attorney

\_\_\_\_\_  
Date

**(NOTE: Proof of such lawful authority or written authorization from the property owner must be provided by the applicant prior to this matter proceeding to hearing before the Special Magistrate.)**



## **Procedures**

**An application for Relief - The Town Commission is authorized to provide relief from liens established by a Code Compliance Special Magistrate and that have been recorded with Broward County.**

1. **Application** – A signed Application for relief from any Order Imposing a Fine by a Special Magistrate may be filed with the Clerk for the Special Magistrate. In order for the Clerk to process an Application for relief, all the violations in the original case must be in compliance and the application must include:
  - A. Name and address of applicant. If represented by an attorney, the name and address of the attorney must also be given; and the attorney must either file a Notice of Appearance, or must sign the application.
  - B. Address or brief legal description, or both, of the property on which the violation occurred.
  - C. Sufficient information (which should include nature of violation, date or approximate date on which violation occurred, date or approximate date on which finding of violation was made or on which penalty was imposed, and file number) for the Clerk to identify the file. A copy of the order should be attached.
  - D. A brief explanation of the relief sought, along with any supporting documentation and evidence.
2. **Initial consideration** – No application shall be accepted or processed unless the Code violations on the subject property have been brought into compliance. The Town Commission shall not grant relief to any Respondent whose property is the subject of any pending foreclosure proceedings filed by the Town Attorney's Office without the expressed written consent of the Town Attorney's Office. The Clerk shall provide a copy of the application to the Town Attorney for review.
3. **Hearing** – The application will be set for the next available hearing date after the application is reviewed and processed. If all compliance requirements have been met the Town Commission may consider the application. The Clerk shall provide notice per Florida State Statutes 162.12 to the attorney or representative for the applicant or the applicant if there is no attorney to the scheduled hearing.
4. **Determination** – The Town Commission shall enter an Order denying or granting the requested relief, or such relief as the Commission may deem proper, and may direct such action as may be appropriate to effect the ordered relief. The Town Commission shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to:
  - A. The nature and gravity of the violation;
  - B. Any actions taken by the Respondent to correct the violation;
  - C. The length of time between the previously ordered compliance date and the date the violation was brought into compliance;

- D. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation;
  - E. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the Town.
5. Any relief granted shall be contingent upon payment of any outstanding amounts within a specified time period. Failure to provide valid payment to the Town within the specified time period shall cause the original penalty(s) to reinstate.
  6. If relief is denied based upon the merits of the claim, such denial shall be with prejudice to rehear the matter.
  7. **Appeal** – Relief under this section is strictly discretionary by the Town Commission, and the Town Commissions disposition of an Application for Relief might not be subject to appeal.
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#### **Sec. 6-44. Nuisance defined and prohibited.**

(a) *Definitions.* For the purposes of this section, the term "nuisance" is defined to mean the any of the condition set forth in subsection 6-41(a)(1) through (19).

(b) *Nuisances prohibited.* No person owning, leasing, occupying or having charge of any dwelling house, property, commercial or public structure or industrial property within the limits of the Town shall maintain or keep any nuisance thereon.

(c) *Enforcement.* Enforcement of this section may be accomplished by the Town in any manner authorized by law, including without limitation through hearings before the Town's Special Master and/or Code Enforcement Board, supplemental enforcement procedures provided in F.S. ch. 162, and appropriate court action such as injunctive relief and claims for damages. In addition, any person who by reason of another's violation of any provision of this section suffers special damage to himself different in degree from that suffered by other property owners throughout the Town generally may bring an action to enjoin or otherwise abate an existing violation.

(Ord. No. 455, § 3, 12-12-00)

#### **Sec. 6-41. Maintenance of exterior of premises.**

(a) The exterior of buildings and structures and all property shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following:

- (1) Junk, trash, debris or construction materials not being actively utilized for construction;
- (2) Abandoned, discarded or unused objects or equipment, such as automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, cans or containers;
- (3) Dead or drying trees and limbs;
- (4) Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof;
- (5) Holes, excavations, breaks, projections, obstructions, and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to or used by persons on the premises;
- (6) Inadequate run-off drains for stormwaters;
- (7) Sources of infestation;
- (8) Foundations, floors and walls which are not structurally sound;
- (9) Exterior porches, landings, balconies, stairs and fire escapes which are not provided with banisters or railings properly designed and maintained to minimize the hazard of falling;
- (10) Partially dismantled, wrecked, junked, discarded motor vehicles, boats or trailers;
- (11) Non-operating motor vehicles;
- (12) Motor vehicles without a current license tag;
- (13) Unpainted or flaking or chipping paint exterior wall surfaces;
- (14) Graffiti on exterior surfaces;

- (15) Broken glass;
- (16) Loose shingles;
- (17) Crumbling masonry, stone or brick;
- (18) Overgrowth of any vegetation on the property. Vegetation shall be considered overgrown if it grows beyond the property line and the adjacent property owner objects or, in the case of any grass groundcover, if it grows beyond the height of six inches;
- (19) Motor vehicles or motorcycles parked or stored on unpaved surfaces.

(b) The exterior of every building or structure shall be maintained in a good state of repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained for the disposal of garbage at every occupied building or structure.

(c) No owner, occupant or operator of any real property shall allow the overgrowth of any vegetation on the property. Vegetation shall be considered overgrown if it grows beyond the property line and the adjacent property owner objects or, in the case of any grass groundcover, if it grows beyond the height of six inches.

(Ord. No. 367, § 2, 8-8-95; Ord. No. 455, § 2, 12-12-00)